

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DENNIS MERCURIO and COLLEEN  
MERCURIO


Plaintiffs,

v.

LOUISVILLE LADDER, INC.

Defendant.

3:16-CV-412  
(JUDGE MARIANI)


FILED  
SCRANTON  
JUN - 1 2018  
PER  DEPUTY CLERK

ORDER

AND NOW, THIS 31<sup>ST</sup> DAY OF MAY, 2018, upon consideration of the Motion for Summary Judgment and Motion in Limine of Defendant Louisville Ladder, Inc., (Docs. 17, 20), and all accompanying briefs, **IT IS HEREBY ORDERED THAT:**

1. Defendant's Motion in Limine to Preclude Stephen Fournier (Doc. 20) is **denied without prejudice**. A *Daubert* hearing shall be conducted on **Wednesday, August 1, 2018 at 10:00 a.m.** for the purpose of determining the admissibility of Stephen Fournier's opinions and testimony. Defendant may renew its Motion in Limine after the conclusion of the *Daubert* hearing.
2. Defendant's Motion for Summary Judgment (Doc. 17) is **DENIED** in part and **GRANTED** in part, to wit:
  - a. The Motion is **GRANTED** with respect to Plaintiffs' express warranty claim (Count III).

- b. To the extent Plaintiffs' strict liability claim (Count I) and negligence claim (Count II) rely on allegations of manufacturing defect and/or defective warnings, the Motion is **GRANTED** as to those claims.
- c. The Motion is **DENIED** with respect to all other claims.



Robert D. Mariani  
United States District Judge